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Letter dated 16 April 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

On instructions of my Government, I have the honour to transmit to you a statement by the Government of Uganda on the report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/357). This is Uganda's initial reaction to the report.

I should be grateful if you would bring this statement to the attention of the members of the Security Council and circulate it as a document of the Security Council.

(*Signed*) J. D. Semambo **Kalema**
Minister Counsellor
Chargé d'affaires a.i.

01-33855 (E) 190401

Annex to the letter dated 16 April 2001 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council

Statement by the Government of Uganda on the report of the Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, April 2001

1. Introduction

The Government of Uganda has received a copy of the report of the United Nations Panel on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo, which was released in New York on 16 April 2001.

The Government has noted with grave concern the contents of the report, especially the serious allegations and accusations against H.E. the President, the Government of Uganda and high-ranking UPDF officers.

The Government of Uganda would like to state in its initial reaction the following points:

2. Security concerns in the Democratic Republic of the Congo

Contrary to the letter and spirit of the report, the Government of Uganda reaffirms its already known grounds for its involvement in the Democratic Republic of the Congo as genuine security concerns. These include the operations of the Sudanese-backed ADF, WNBF, UNRF II, NALU, the genocide Ex-FAR and Interahamwe who have used and continue to use the territory of the Democratic Republic of the Congo to launch persistent indiscriminate and terrorist attacks on the people of Uganda, for example the grisly Kichwamba (1998) and Bwindi (1999) massacres.

The Government of the Democratic Republic of the Congo has not been able to have effective control of the whole territory of the Democratic Republic of the Congo. With the outbreak of the rebellion in 1998 it was clear that the Government of the Sudan intended to use the hard-surface airports in the eastern Democratic Republic of the Congo to rearm, reorganize, retrain and resupply these anti-Uganda elements with the knowledge and complicity of the Government of the Democratic Republic of the Congo.

The existence of this threat was even acknowledged by the Government of the Democratic Republic of the Congo in the Protocol signed in 1998.

As a result of the deployment of UPDF in the Democratic Republic of the Congo our forces have been able to neutralize most of these threats, leading to the unilateral withdrawal of nine battalions and a clear commitment to compliance with the Lusaka Peace Agreement including adherence to the Kampala and Harare Disengagement Plans.

3. Fundamental disagreements with the report

Paragraph 95 of the report acknowledges that the Ugandan authorities provided extensive data and other information requested by the Panel. In spite of this cooperation, the Government of Uganda is shocked by the heavy reliance on unnamed sources, unsubstantiated allegations, outright hearsay and illogical conclusions. The Panel failed to take full advantage of the opportunity they got in meeting government officials including the President, civil society in Uganda, the leadership and membership of the rebellion in the Democratic Republic of the Congo and on-the-spot visits of areas of concern to the inquiry which finally appear in the report.

Uganda believes that on all these issues that appear in the report the Panel knowingly and deliberately condemned it unjustifiably.

(a) While Uganda overwhelmingly supported the work of the Panel both in New York and Kampala, it fundamentally disagrees with an inquiry which without any credible evidence aims to bring into disrepute the person and family of H.E. the President of the Republic of Uganda;

(b) The Panel failed to access readily available information that both Trinity and Victoria companies are not owned by the UPDF and government officers named in the report which forms the basis for most of their conclusions;

(c) The Panel condemned, as Ugandan exploitation of the Democratic Republic of the Congo, all trade between Ugandans and Congolese. Such trade has been going on since time immemorial for the mutual benefit of both peoples. This traditional business of commodity exchange or commodity-cash exchange became even more vital to the Congolese people following the complete breakdown of law, order and infrastructure in the Democratic Republic of the Congo;

(d) An attempt to mix Ugandan officers with Congolese political leaders of the rebel movements in order to:

(i) Make Uganda responsible for individual activities of Congolese leaders;

(ii) Create an impression that Congolese leaders have no right to the resources of their own country thereby orchestrating the already unacceptable version that there is no rebellion but an aggression by Uganda;

(e) In spite of the successes of the Lusaka Peace Agreement, the Panel seems to be part of a grand ploy to undermine the achievements of the Lusaka Peace Agreement as they begin to concretize on the ground namely:

- The ceasefire and disengagement of military forces in the Democratic Republic of the Congo;
- Deployment of United Nations military observers to oversee the disengagement;
- The unilateral withdrawal of the bulk of Ugandan forces;
- The emerging commitment of the Congolese Government to the holding of an inter-Congolese Dialogue;
- The warming up of relations between Kampala and Kinshasa;

(f) Most of these allegations are already a subject of litigation before the International Court of Justice at The Hague. Uganda is in the process of presenting its defence. The rules governing the operations of this Court will give ample time and opportunity for presentations and evaluation of evidence so that justice is not only done but is seen to have been done.

4. Methodology

The Government of Uganda is concerned at the methods used by the Panel:

(a) The Panel turned down a request by the Government of Uganda to present, in writing, the substance of the allegations by the Government of the Democratic Republic of the Congo in order to enable it to adequately prepare a response;

(b) The Panel turned down a meeting with Ugandan experts for in-depth dialogue and instead preferred to interview Ministers in the absence of their technocrats;

(c) Most of the evidence of economic performance submitted to the Panel by the Government is not reflected in the Panel's report. The clandestine and irregular visits of one of the panellists seem to have heavily influenced the Panel's findings when Government was not made privy to the specific allegations made during these visits;

(d) The Panel turned down a no-cost, security guaranteed opportunity to visit all the areas under UPDF control, in order to interview individuals, non-governmental organizations, political leaders, members of the rebellion and UPDF officers and men in order to establish the facts on the ground in the Democratic Republic of the Congo;

(e) The Panel turned down an offer by Uganda to revisit Kampala and seek any further clarifications and interviews after the release of the interim report in January 2001;

(f) Lastly, the proposed sanctions against Uganda are completely inappropriate to the accusations, flawed as they are, implicating individuals and not Uganda as a State. This is alluded to in paragraph 85 of the Panel's report.

5. Conclusions

(a) Despite the flawed methods and the unsubstantiated allegations and accusations of the report, the Government of Uganda is ready and willing to support the Security Council's efforts, provided:

(i) The terms of reference of this Panel are made more fair and balanced;

(ii) Membership of the Panel is expanded and made more representative. To that end the Government of Uganda is willing to make available to the United Nations any Ugandan named in that report for investigation;

(b) The Government of Uganda will, on its own, investigate these allegations and bring to book any individuals found guilty;

(c) Finally the Government of Uganda asks the international community to do everything possible to ensure that the Lusaka Peace Agreement which answers the internal Congolese political problems and the regional security concerns is not derailed. The Panel's report itself acknowledges the importance of the Lusaka Peace Agreement.

(*Signed*) Ruhakana **Rugunda**
Minister-in-Charge of the Presidency